

RESOLUTION NO. 04-022

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING **45TH STREET SOUTH FROM THE WEST LINE OF LULU TO THE WEST LINE OF HYDRAULIC 472-83909**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING **45TH STREET SOUTH FROM THE WEST LINE OF LULU TO THE WEST LINE OF HYDRAULIC 472-83909**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to improve **45th Street South from the west line of Lulu to the west line of Hydraulic 472-83909**.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Two Hundred Sixty-six Thousand Dollars (\$266,000.00)** exclusive of the cost of interest on borrowed money, with **77** percent payable by the improvement district and **23** percent payable by the City at Large. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **July 1, 2003**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

SOUTH HYDRAULIC PARK ADDITION

Lots 1 and 2, Block A
The North 1/2 of Lot 3, Block A
Lots 9 and 10, Block A
The North 1/2 of Lot 8, Block A
Lots 1 and 2, Block B
The North 1/2 of Lot 3, Block B
Lots 9 and 10, Block B
The North 1/2 of Lot 8, Block B
Lots 1-5 inclusive, Block C

UNPLATTED TRACTS

In Section 16, Township 27S, Range 1E

The south 1/2 of the east 1/2 of the south 1/2 of the north 1/2 of the SE 1/4, except the east 390'

thereof, and except the west 30' thereof, and except the south 30' thereof (part of **B-22-5-UP**).

That part of the NE 1/4 of the SE 1/4 described as commencing at the SE corner of the NE 1/4 of said SE 1/4; thence N00°00'00"E along the east line of the NE 1/4 of said SE 1/4, 212.11' for a place of beginning; thence N90°00'00"W 60'; thence S62°30'06"W, 180.38'; thence S00°00'00"W 128.32' to a point on the south line of the NE 1/4 of said SE 1/4, said point being 220.00' west of the SE corner of the NE 1/4 of said SE 1/4; thence N89°52'06"W along the south line of the NE 1/4 of said SE 1/4, 140.00'; thence N00°00'00"E, 338.80'; thence S89°52'06"E, 85'; thence S57°49'33"E, 114.60'; thence S85°24'07"E, 178.57' to a point on the east line of the NE 1/4 of said SE 1/4, said point being 71.98' north of the place of beginning; thence S00°00'00"W along the east line of the NE 1/4 of said SE 1/4, 71.98' to the place of beginning, except the east 40' thereof, and except the south 30' thereof, and except the west 20' thereof (**B-22-2-1-UP**)

That part of the NE 1/4 of the SE 1/4 described as beginning at the SE corner of the NE 1/4 of said SE 1/4; thence N00°00'00"E along the east line of the NE 1/4 of said SE 1/4, 212.11 feet; thence N90°00'00"W, 60.00 feet; thence S62°30'06", 180.38 feet; thence S00°00'00"W, 128.32 feet to a point on the south line of the NE 1/4 of said SE 1/4, said point being 220.00 feet west of the SE corner of the NE 1/4 of said SE 1/4; thence S89°52'06"E along the south line of the NE 1/4 of said SE 1/4, 220.00 feet to the point of beginning, except the east 40' thereof, and except the south 30' thereof (**B-22-4-UP**)

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **square foot** basis.

Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq.

SECTION 8. Be it further resolved that the above-described improvement is hereby

authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, January 13, 2004.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SCHOFIELD, CITY CLERK

(SEAL)